

Office of the United States Attorney

District of Arizona

FOR IMMEDIATE RELEASE For Information Contact Public Affairs

Tuesday, May 13, 2008 SANDY RAYNOR

Telephone: (602) 514-7625

YUMA CUSTOMS OFFICER AND OTHERS ARRESTED FOR CONSPIRACY TO BRING ILLEGAL ALIENS INTO U.S.

PHOENIX - Jose Magana, 44, of Yuma, Ariz.; Jesus Gastelum-Rodriguez, 41, of San Luis Rio Colorado, Sonora, Mexico; and Guadalupe Milan de Gastelum, 38, of San Luis Rio Colorado, Sonora, Mexico, were arrested in Yuma on Monday, May 12, 2008 by officials of the United States Department of Homeland Security, Office of Inspector General and the Federal Bureau of Investigation. Magana, an officer with U.S. Customs and Border Protection in Yuma, and the others were charged with Conspiracy to Bring Illegal Aliens to the U.S.

All three made an initial appearance in Yuma federal court this morning in front of U.S. Magistrate Judge Jay R. Irwin and were detained pending a detention hearing. They are all set for detention and preliminary hearings in Phoenix on Friday, May 16, 2008 at 11:00 a.m. before U.S. Magistrate Judge David K. Duncan.

Brenda Covarrubias, 39, of San Luis Rio Colorado, Sonora, Mexico, and Ana Calderon, 28, of San Luis, Ariz., were also named as defendants in the same complaint. Warrants were issued for their arrest.

"The arrests and charges in this complaint demonstrate our commitment to confront allegations of corruption at all levels of government," said Diane J. Humetewa, U.S. Attorney for the District of Arizona. "We will continue to work closely with our law enforcement partners to root out public corruption and prosecute those who put personal greed ahead of public service."

Phil Wrona, Acting Special Agent in Charge, DHS OIG said, "Officer Magana was entrusted with the responsibility of securing our Nation's borders and enforcing our immigration laws. As in this case, the DHS OIG will continue to work with our internal and external law enforcement partners to aggressively investigate any allegations of criminal or corrupt conduct on the part of DHS employees."

“All of our public officials, and particularly those serving in sensitive positions along our border, are entrusted to uphold the laws which serve to protect our families, our communities, and our nation,” stated John Lewis, FBI Special Agent in Charge. “To those that would violate this public trust often times for self-serving reasons, the FBI and our law enforcement partners remain wholly committed to expeditiously bringing such corrupt individuals to justice.”

The complaint alleges that on October 6, 2007, Magana, Covarrubias, Calderon and Gastelum-Rodriguez conspired to bring illegal aliens into the U.S. According to the complaint, Covarrubias made arrangements for a confidential informant (CI) and a suspected illegal alien to cross the border through the U.S. Port of Entry in San Luis, Ariz. The CI and suspected illegal alien were provided with documents for use in crossing through the Port of Entry. The pair traveled to the Port of Entry with Gastelum-Rodriguez. Following the plan laid out by Covarrubias, Gastelum-Rodriguez preceded the CI and suspected illegal alien through the lane of U.S. Customs and Border Protection Officer Magana. As the CI and suspected illegal alien passed through his lane, Magana examined their papers but did not enter any information into his computer terminal or swipe the documents on his automated document reader. Magana allowed all three to enter the into the U.S. After the group departed the Port of Entry, Gastelum led them to a meeting with Covarrubias and Calderon. A woman claiming to be the mother of the suspected illegal alien paid money to Calderon and then left with the suspected illegal alien. Covarrubias and Calderon then met with an undercover agent and collected \$3,800 for the smuggling of the CI. The agent delivered the funds to Calderon.

The complaint further charges that on April 30, 2008, a second CI met with Calderon, Gastelum and Milan in preparation for crossing through the Port of Entry at San Luis. Gastelum and Milan were accompanied by another suspected illegal alien. Milan provided an Arizona driver's license bearing the name Jesus Gastelum to the CI and gave a green passport document to the suspected illegal alien. Milan then led the CI and suspected illegal alien into the San Luis Port of Entry and proceeded through the lane occupied by Officer Magana. The suspected illegal alien and the CI presented the documents that had been provided by Milan to Magana, who allowed both to enter after a brief inspection. Milan led the CI and suspected illegal alien to Gastelum after crossing through the Port of Entry. Gastelum collected the identification documents and then Calderon arrived. The CI and suspected illegal alien got into a vehicle with Calderon, who took them to a meeting with an undercover agent, who in turn paid Calderon \$4,000 in marked currency.

The complaint further alleges that on May 6, 2008, agents from DHS OIG and the FBI tracked Officer Magana to a hotel in Yuma. After Magana departed the motel, the agents interviewed the clerk and learned that Magana had rented a room and paid with a \$100 bill. The only \$100 bill in the register matched the marked currency that had been paid to Calderon on April 30, 2008. Also on May 6, agents tracked Magana to a movie theater in Yuma. The clerk at the theater identified Magana as a person who paid with a \$100 bill when he took his children to see a movie. Again, the only \$100 bill in the register matched the marked currency paid to Calderon on April 30, 2008.

"We take our mission of securing our nation's borders very seriously and we also take allegations of corruption by our employees very seriously. We police ourselves very aggressively, and in cases like this where we discover an employee who may be breaking the law and violating the trust placed in them, we take every step possible to ensure the situation is investigated and handled appropriately, " said David Higgerson, Director of Field Operations, U.S. Customs and Border Protection. "Our responsibility to not just the American public, but also the dedicated men and women who are part of U.S. Customs and Border Protection, who serve day in and day out, putting their lives on the line every day in the defense of our nation, demands that we keep an eye out for potentially corrupt individuals and root them out."

A conviction for Conspiracy to Bring Illegal Aliens to the U.S. carries a maximum penalty of five years in federal prison, a \$250,000 fine, or both. In determining an actual sentence, the assigned U.S. District Judge will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. Judges, however, are not bound by those guidelines in determining a sentence.

A criminal complaint is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

The investigation in this case was conducted by the Department of Homeland Security, Office of the Inspector General and the FBI with assistance from U.S. Customs and Border Protection and the Drug Enforcement Administration. The prosecution is being handled by Joseph E. Koehler, Assistant U.S. Attorney, District of Arizona, Phoenix.

CASE NUMBER: 08-2606M

RELEASE NUMBER: 2008-116(Magana, et al)

###

For more information on the U.S. Attorney's Office, District of Arizona, visit
<http://www.usdoj.gov/usao/az/>

<<Magana et al.pdf>> <<2008-116(Magana, et al).pdf>>

Sandy Raynor

Public Affairs Officer

U.S. Attorney's Office

District of Arizona

Office 602.514.7625

Cell 602.525.2681

Fax 602.514.7676

sandra.raynor@usdoj.gov

<http://www.usdoj.gov/usao/az/>